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June 13, 1997

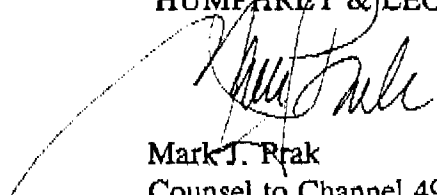
BY HAND DELIVERYMr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Stop Code - 1170
Washington, D.C. 20554Re: **Petition for Reconsideration filed by Channel 49 Acquisition Corporation**
Sixth Report and Order; FCC 97-115; MM Docket No. 87-268

Dear Mr. Caton:

Transmitted herewith, on behalf of Channel 49 Acquisition Corporation, licensee of Television Station WJCB(TV), Norfolk, Virginia, are a facsimile of an original and eleven copies of a Petition for Reconsideration to be filed in the above-referenced matter.

If any questions should arise during the course of your consideration of this matter, it is respectfully requested that you communicate with this office.

Very truly yours,

BROOKS, PIERCE, McLENDON,
HUMPHREY & LEONARD, L.L.P.
Mark J. Prak
Counsel to Channel 49 Acquisition Corporation

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Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C. 20554

Federal Communications Commission
 Office of Secretary

In the Matter of

Advanced Television Systems
 and Their Impact upon the
 Existing Television Broadcast
 Service

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MM Docket No. 87-268

To: The Commission

**PETITION FOR PARTIAL RECONSIDERATION
 OF THE SIXTH REPORT AND ORDER
 SUBMITTED BY CHANNEL 49 ACQUISITION CORPORATION**

This Petition for Partial Reconsideration of the Commission's *Sixth Report and Order* in MM Docket No. 87-268, FCC 97-115 (released April 21, 1997) ("*Sixth R&O*" or "*Allotment Order*") is submitted on behalf of Channel 49 Acquisition Corporation ("WJCB"), licensee of WJCB, Channel 49, Norfolk Virginia. In the *Sixth R&O*, the FCC allotted DTV Channel 14 to WJCB. By this petition, WJCB respectfully requests that the Commission reconsider its assignment of Channel 14 as WJCB's paired digital channel. In support of this Petition, WJCB asserts the following:

Channel 14 is adjacent to a band of frequencies used by Land Mobile services. Typically, when applying for a construction permit for operation on Channel 14, the applicant is required to coordinate its construction with potentially affected Land Mobile users, because of the strong possibility of interference. Protection from interference often requires technical adjustments at great expense.

possibility of interference. Protection from interference often requires technical adjustments at great expense.

Operation on another channel would alleviate these burdens on WJCB and protect Land Mobile services from interference. Therefore, WJCB respectfully requests that an alternate DTV channel be assigned. Based on the MSTV/NAB computer study entitled "Alternative DTV Channel Assignments in the Continental United States," dated May 28, 1997, DTV Channel 46 is available for assignment to WJCB. However, since the Commission has not yet released its interference rules in OET Bulletin No. 69, WJCB has been unable to fully study the interference characteristics of DTV operations on Channel 46. A cursory examination conducted by Smith and Fisher (See attached Engineering Statement) reveals that Channel 46 would be an acceptable alternative to Channel 14.

Therefore, Channel 49 Acquisition Corporation respectfully requests that the Commission reconsider its allotment of Channel 14 as the DTV channel paired with Channel 49 in Norfolk, and instead, allot DTV Channel 46.

Respectfully submitted this 13th day of June, 1997.

**CHANNEL 49 ACQUISITION
CORPORATION**

By: 

Wade H. Hargrove

Mark J. Prak

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Counsel to Channel 49 Acquisition Corporation

SMITH AND FISHER

ENGINEERING STATEMENT

The engineering data contained herein have been prepared on behalf of CHANNEL 49 ACQUISITION CORPORATION, licensee of Television Station WJCB, Channel 49, Norfolk, Virginia, in support of its Petition for Reconsideration of the Commission's *Sixth Report and Order* in MM Docket No. 87-268 concerning the implementation of digital television (DTV) services. In this proceeding the FCC allotted DTV Channel 14 to WJCB. However, for the reasons stated below, this DTV channel allotment is not acceptable.

Channel 14 is adjacent to a band of frequencies utilized by Land Mobile services. Typically, when the FCC issues a Construction Permit for operation on Channel 14, it requires the television station to coordinate its construction with potentially affected Land Mobile users in the market, due to the strong possibility of interference. Oftentimes, expensive filtering of the television station's signal is necessary to eliminate such interference, and in extreme cases the Channel 14 station must reduce power to protect the Land Mobile facilities. This burden would not befall WJCB if another DTV channel were available for its use.

Based on the MSTV/NAB computer study entitled "Alternative DTV Channel Assignments in the Continental United States," dated May 28, 1997, DTV Channel 46 is available as one of many potential alternative channels for WJCB. It must be noted, however, that while we conducted a cursory interference study of this channel, the complex software used by the FCC to replicate existing station coverage with the corresponding DTV facility, as well as to calculate interference between and among DTV and NTSC stations, is not presently available to the general public. As a result, further study of other alternative channels for WJCB may be required.

In the meantime, based on the information at hand and due to the inherent interference problems between TV Channel 14 and Land Mobile facilities, it is proposed that

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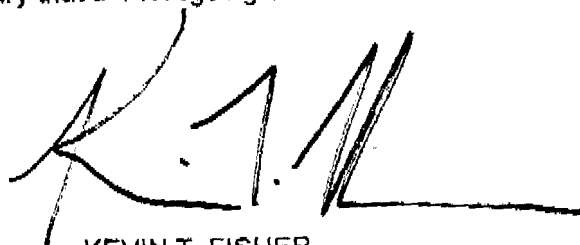
BROOKS PIERCE

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SMITH AND FISHER

DTV Channel 46 be substituted for WJCB's DTV Channel 14 assignment in the FCC's Table of Allotments.

I declare under penalty of perjury that the foregoing statements are true and correct to the best of my knowledge and belief.



KEVIN T. FISHER

June 11, 1997